IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
JAIPUR BENCH
S.B. Civil Writ Petition No.6614/06
Smt. Gyarsi Bai Vs. Addl. Civil Judge & Anr.

16.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri N. Soral for petitioner.

The petitioner in this writ petition has posed challenge to the order dated 5.5.2005 passed by the Additional Civil Judge (Junior Division), Kota whereby the application of the petitioner-plaintiff for grant of temporary injunction was rejected on the ground that earlier on the same subject matter a similar injunction application was rejected by the same Court by its order dated 10.4.2001 and such order was

upheld even by the appellate Court on 26.7.03. The Court therefore held that the application for temporary injunction filed by the respondent was barred by principles of res judicata.

Having heard the learned counsel for the petitioner and perused the material on record, I find that the prayer made in the first application for temporary injunction filed earlier (Annexure-2) when compared with the subsequent application filed later (Annexure-3), it becomes clear that similar prayers were made in both the applications. In my view, the learned trial court did not commit any error in refusing to entertain the second application on the same subject matter. In fact in the first order, the learned

trial court by detailed discussion did not find the prima facie case in favour of the petitioner and in doing so it had also taken into consideration the judgment dated 16.5.97 which is again being relied on by the petitioner at the time of filing of second injunction application.

In the circumstances, I do not find any merit in this writ petition. The writ petition stands dismissed.

(Mohammad Rafiq),J.

Rs/-